

PRODUCT: 49 100-pound bags of kidney beans at New Orleans, La.

LABEL, IN PART: "Haxton Quality Red Kidney Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested, moldy, and decomposed beans.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8611. Misbranding of soybean sprouts and bean sprouts. U. S. v. 45 Cases of Soy Bean Sprouts and 70 Cases of Bean Sprouts. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 15402. Sample Nos. 73895-F, 74184-F, 17301-H, 17302-H.)

LIBEL FILED: February 19, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 28, 1944, by the Oriental Food Products Co., from Los Angeles, Calif.

PRODUCT: 45 cases of soybean sprouts and 70 cases of bean sprouts, each case containing 12 jars, at Milwaukee, Wis. Examination showed that the products were short-weight.

LABEL, IN PART: "Contents 1 Lb. 13 Oz. Avoir. Jan-U-Wine Brand Soy Bean Sprouts [or "Bean Sprouts"]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: August 21, 1945. Peter S. Hyun, claimant, trading as the Oriental Food Products Co., having admitted the material allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8612. Misbranding of borscht, creamed borscht, and schard soup. U. S. v. 190 Cases of Borscht, 83 Cases of Creamed Borscht, and 71 Cases of Schard Soup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16688. Sample Nos. 7091-H to 7093-H, incl.)

LIBEL FILED: July 7, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 6 and June 14, 1945, by Cosmo Salads, Inc., from Brooklyn, N. Y.

PRODUCT: 190 cases, each containing 12 32-ounce jars of borscht; 83 cases, each containing 12 24-ounce jars, of creamed borscht; and 71 cases, each containing 12 24-ounce jars, of schard soup at Newark, N. J. Examination showed that the products were short-volume.

LABEL, IN PART: (Jars) "Cosmo Pareve Borscht Cont. 32 Fl. Ozs. Made from Fresh Selected Beets, Water, Sugar, Salt and Sour Salt * * *," "Cosmo Creamed Borscht Contents 1 Pt. 8 Fl. Oz. Fresh Selected Beets, Water, Sugar, Sour Salt, Fresh Eggs, Milk and Salt * * *," or "Cosmo Schav or Schard Soup Contents 1 Pt. 8 Fl. Oz. Made From Fresh Sour Leaves, Water, Sugar, Sour Salt, Fresh Eggs, Milk, and Salt * * *."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 27, 1945. Cosmo Salads, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling in compliance with the law, under the supervision of the Food and Drug Administration.

8613. Adulteration of canned corn. U. S. v. 158 Cases of Canned Corn (and 3 other seizure actions against canned corn). Default decrees of condemnation and destruction. (F. D. C. Nos. 16753, 16778, 16779, 16804. Sample Nos. 27935-H, 27936-H, 36219-H, 36224-H.)

LIBELS FILED: June 29 and July 11 and 18, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about August 7 and 8, 1945, by the Sterling Canning Co., from Sterling, Ill.

PRODUCT: 158 cases, 146 cases, 90 cases, and 12 cases, each containing 24 cans, of corn at Roseburg, Corvallis, Albany, and Portland, Oreg., respectively. Examination showed that the product had undergone decomposition.

LABEL, IN PART: "Nation's Garden Brand Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 18, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8614. Misbranding of canned corn. U. S. v. 672 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16635. Sample No. 12009-H.)

LIBEL FILED: June 21, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 12, 14, and 21, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 672 cases, each containing 24 20-ounce cans, of corn at Providence, R. I.

LABEL, IN PART: "Leota Belle Cream Style Sweet Corn."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned corn, a food for which a definition and standard of identity has been prescribed by the regulations, but the label failed to bear the name of the food specified in the definition and standard of identity, i. e., "field corn."

DISPOSITION: October 16, 1945. The Morgan Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

8615. Adulteration of canned peas. U. S. v. Seymour Canning Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 15558. Sample Nos. 61651-F, 61653-F, 80756-F to 80758-F, incl.)

INFORMATION FILED: July 16, 1945, District of Wisconsin, against the Seymour Canning Co., a corporation, Seymour, Wis.

ALLEGED SHIPMENT: On or about July 28, 1944, from the State of Wisconsin into the State of Tennessee.

LABEL, IN PART: "Ontra [or "Good Fare"] Brand * * * Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained a poisonous and deleterious substance, borax, which was unsafe within the meaning of the law since it was a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: October 29, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$1,000 was imposed.

8616. Misbranding of canned peas. U. S. v. The Eavey Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 15540. Sample No. 67979-F.)

INFORMATION FILED: May 31, 1945, Southern District of Ohio, against the Eavey Co., a corporation, Xenia, Ohio.

ALLEGED SHIPMENT: On or about August 29, 1944, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "Sun Bird Wisconsin Sweet Peas * * * Size 3 Canned Reedsburg Foods Packed by Reedsburg Foods Corp. Reedsburg, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Size 3" was false and misleading since it represented and suggested that the product consisted of graded canned peas of sieve size 3, whereas it consisted of peas which were ungraded for size; and, Section 403 (g) (2), the product purported to be and was represented as a food for which a definition and standard of identity has been prescribed by the regulations, and its label failed to bear the name of the optional pea ingredient present, i. e., "Early," or "June," or "Early June" peas.

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since it was an Alaska or other smooth-skin variety of peas and the alcohol-insoluble solids content was more than 23.5 percent; and the label did not bear a statement that the article was sub-standard.

DISPOSITION: July 23, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

8617. Misbranding of canned peas. U. S. v. Waldo Canning Co. Pleas of guilty. Fine, \$1,000. (F. D. C. No. 16518. Sample Nos. 61276-F, 72732-F, 72733-F.)

INFORMATION FILED: August 21, 1945, Eastern District of Wisconsin, against the Waldo Canning Co., a corporation, Waldo, Wis.